

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION)
) MDL No.: 1:13-MD-2419-RWZ
)
THE DOCUMENT RELATES TO:)
Case No. 1:14-cv-13496-RWZ)
Neal, Adm'r v. Insight Health Corp. et al.)

**PETITION FOR FINAL APPROVAL OF DISTRIBUTION OF VIRGINIA
WRONGFUL DEATH CLAIM PURSUANT TO VA. CODE § 8.01-55**

Petitioner, William L. Neal, the duly qualified Administrator of the Estate of Lucy Byrd Neal ("Petitioner"), by counsel, respectfully petitions this Court pursuant to Va. Code § 8.01-55 to approve distributions to statutory beneficiaries and others under the settlement of this wrongful death action which has otherwise already been approved by this Court (ECF 2109 in this action, and ECF 61 in Case No. 1:14-cv-13496). A proposed Order approving the distributions is attached hereto as **Exhibit 1**. Petitioner states as follows in support of his Petition:

1. Decedent, Lucy Byrd Neal, died on February 27, 2013.
2. On October 25, 2013, Petitioner, the surviving spouse of Lucy Byrd Neal ("Mrs. Neal"), duly qualified as administrator of the Estate of Lucy Byrd Neal, in the Circuit Court for the City of Roanoke, Virginia.
3. The Petitioner and his and Mrs. Neals' three adult children -- Adele Patricia Neal, William L. Neal, II, and Bryan S. Neal (collectively with Petitioner, the "Statutory Beneficiaries") -- are the only statutory beneficiaries of Mrs. Neal pursuant to Va. Code § 8.01-53.
4. The Statutory Beneficiaries have executed a written Agreement as to Distribution of Net Settlement Proceeds (the "Agreement"), attached hereto as **Exhibit 2**. In the Agreement, the Statutory Beneficiaries have acknowledged and, to the extent needed,

have affirmed the Petitioner's agreement to pay specified attorneys' fees and costs/expenses associated with the underlying cases. They have further agreed to the payment of the health care liens of Medicare (\$46,640.74) and Rawlings/Anthem (\$10,360.70) (see **Exhibits 3 and 4**). Petitioner is not aware of any liens applicable to the settlement proceeds, except as stated in this paragraph. They have further agreed that, after all such payments have been made, the net proceeds shall be distributed among them as follows, it being especially acknowledged and agreed that Petitioner and statutory beneficiary William L. Neal is voluntarily waiving and foregoing receipt of any portion of the net settlement:

a.	William L. Neal	-	0%
b.	William L. Neal, II	-	33.3333% (\$ 150,148.58)
c.	Adele Neal	-	33.3333% (\$ 150,148.58)
d.	Bryan Neal	-	33.3333% (\$ 150,148.58)

5. In the Agreement, all Statutory Beneficiaries also waive notice and participation in any approval hearing by the Court.

6. On June 9, 2015, this Court approved the underlying Settlement Agreement, subject only to entry of a final distribution order approving the distributions to be made from the settlement proceeds. (See ECF 2109 in this action, and ECF 61 in Case No. 1:14-cv-13496) The proposed final order attached as **Exhibit 1** accomplishes this.

7. The Petitioner will notice this matter for the next status conference, scheduled for March 30, 2017, at 2:00p.m., and, even though they have waived notice in the Agreement, will provide the Statutory Beneficiaries with notice.

Wherefore the Petitioner requests entry of the attached final distribution order which also dismisses Case No. 1:14-cv-13496-RWZ, with prejudice.

Dated: March 22, 2017.

**WILLIAM L. NEAL, ADMINISTRATOR
OF THE ESTATE OF LUCY BYRD NEAL,
DECEASED**

By: /s/ Gregory L. Lyons

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CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2017, I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system, which then sent a notification of such filing (NEF) to all counsel of record. A copy of the Petition is also being provided to the Statutory Beneficiaries.

/s/ Gregory L. Lyons
Counsel for Petitioner

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